

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

SIG SAUER Inc.

Plaintiff,

v.

B. TODD JONES
Director,
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Defendant.

Civil Action No. 1:14-cv-00147-PB

**JOINT MOTION TO EXTEND THE STAY
OF LITIGATION AND AMEND SCHEDULE**

Plaintiff, SIG SAUER Inc. ("Sig Sauer") and Defendant, B. Todd Jones, Director, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), by and through undersigned counsel, jointly move to extend the stay and to amend the schedule previously ordered by this Court. As grounds for this Motion, the Parties state as follows:

1. In its June 9, 2014 Order, the Court stayed litigation of this action for ninety (90) days, until September 17, 2014, to allow for reconsideration by the Defendant of the Plaintiff's application for classification of a muzzle device.

2. The Order set forth a schedule during the stay, which provided a timeframe for a new decision by ATF, a response by Sig Sauer to ATF's decision on remand, a reply by ATF to this response, and deadlines for filing an amended complaint and answer.

3. The Parties have been working to meet these deadlines, and have agreeably allowed for adjustments in the schedule of submissions. ATF recently provided Sig Sauer with the results of its re-examination of the muzzle device. In its letter, ATF once again classified Sig

Sauer's submitted device as a "firearm silencer," rejecting Sig Sauer's contention that the device is instead a "muzzle brake." Sig Sauer is preparing a response, which will be submitted on or before September 19, 2014. Unless ATF changes its position, the Parties anticipate that this matter will make its way back before the Court.

4. The Parties agree that extending the stay and amending the deadlines during the stay is necessary, and believe that the proposed timeframe below provides reasonable dates for completion.

5. Therefore, the Parties request that the Court extend the stay and approve the following schedule:

- a. The Court will extend the stay of litigation for a period of forty five (45) additional days, until November 1, 2014.
- b. On or before September 19, 2014, Sig Sauer will submit a response to ATF's decision on remand.
- c. On or before fourteen (14) calendar days from the date Sig Sauer submits its response, ATF will reply to Sig Sauer's response.
- d. On or before fourteen (14) calendar days from the date ATF provides a reply, Sig Sauer will file an amended complaint with the court, assuming ATF does not change its decision.
- e. On or before fourteen (14) calendar days from the date Sig Sauer files its amended complaint, ATF will answer the complaint and submit the administrative record.
- f. Following the submission of ATF's answer and the administrative record, the case will be placed on the administrative track pursuant to LR 40.1. The parties also request a conference with the Court to confer about the course of the case.

6. No hearing, conference, or trial has been scheduled in this matter. Accordingly, granting this motion will not result in the continuance of any hearing, conference or trial, pursuant to Local Rule 7.2.

7. No memorandum of law is necessary to support this motion, as the relief requested rests in the sound discretion of the Court

WHEREFORE, the Parties respectfully request that this Honorable Court:

- (A) Grant this Joint Motion;
- (B) Grant a stay of this case until November 1, 2014;
- (C) Approve the proposed schedule in Paragraph 5 of this motion; and
- (D) Grant such further relief as may be just, equitable and appropriate.

Respectfully submitted,

SIG SAUER Inc.

By its attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
PROFESSIONAL ASSOCIATION

Date: September 9, 2014

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B. TODD JONES, Director

By its attorneys,

UNITED STATES ATTORNEYS OFFICE

Date: September 9, 2014

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